

ESTTA Tracking number: **ESTTA744747**

Filing date: **05/06/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92063507
Party	Defendant LUV Ice Cream
Correspondence Address	LUV ICE CREAM 13201 OZARK TRAIL NORTH STILLWATER, MN 55082 UNITED STATES ilya@luvicecream.com
Submission	Answer
Filer's Name	Hassan Sahouani
Filer's e-mail	hassan@pearlfindlaw.com
Signature	/Hassan Sahouani/
Date	05/06/2016
Attachments	Answer to Petition for Cancellation.pdf(147260 bytes)

ESTTA Tracking number: **ESTTA739221**

Filing date: **04/11/2016**

Answer to Petition for Cancellation of

Mark: LUV (stylized)

Registration Number: 4904042

Proceeding	92063507
Party	Defendant (registrant) LUV Ice Cream
Address	13201 Ozark Trail North Stillwater, MN 55082 United States
Attorney Information	Hassan Sahouani, PhD, JD Pearlfind Law Office, PLLC 12250, 120 th Street South Hastings, MN 55033 United States Hassan@pearlfindlaw.com Phone: 651 226 8917
Filer's name	Hassan Sahouani
Filer's Signature	/Hassan Sahouani/
Date	5/6/2016
Attachment	Answer to Petition for cancellation No 92063507

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of :

Cancellation No: 92063507

Registration No: 4,904,042

Registration Date: February 23, 2016

Trademark: Luv (stylized) 

International Class: 030

MARY'S GONE CRACKERS, INC.,
Petitioner,

v.

LUV ICE CREAM,
Registrant

REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION

Registrant LUV ICE CREAM by and through its undersigned counsel hereby responds to the petition as follows:

Regarding Petitioner's allegation of being damaged in the preface (unnumbered paragraph); Registrant denies the allegation.

1. Registrant is without knowledge or information sufficient to form a belief as to paragraph 1 of the petition for cancellation and therefore denies the same.
2. Registrant is without knowledge or information sufficient to form a belief as to paragraph 2 of the petition for cancellation and therefore denies the same.
3. Registrant denies the allegation of paragraph 3. Registrant affirms that Petitioner has coexisted peacefully with the mark "ME LOVE COOKIES" registration number 3993016; registration date of July 12, 2011, International Class 030. The latter mark is owned by third party and no licensing agreement exists between owner of the mark

and petitioner. This is a proof that petitioner has no monopoly or right to the separate words Love or cookies.


4. Registrant admits to allegations of paragraph 4.
5. Registrant admits to allegations of paragraph 5.
6. Registrant is without knowledge or information sufficient to form a belief as to paragraph 6 of the petition for cancellation and therefore denies the same.
7. Registrant admits allegation that it is not affiliated nor sponsored by Mary's Gone Crackers. Registrant denies allegation of using Mary's Gone Crackers LOVE COOKIES.
8. Registrant denies the allegation of paragraph 8 that registrant LUV (stylized) mark is very similar in appearance, sound and commercial impression to Mary's Gone Crackers LOVE COOKIES mark. Registrant denies the allegation that the consumers are likely to be confused or mistaken as to the origin of the goods belonging to the two distinct marks, LUV (Stylized) and "MARY'S GONE CRACKERS LOVE COOKIES" Petitioner has coexisted in the same class of goods as the mark "ME LOVE COOKIES" since 2011. By accepting to coexist with this mark, petitioner admits that it has no rights to the words LOVE or COOKIES and that its allegations for damage are only speculative in nature.
9. Registrant is without knowledge or information sufficient to form a belief as to paragraph 9.
10. Registrant admits to allegations of paragraph 10.
11. Registrant denies allegations of paragraph 11. Registrant denies petitioner's allegation that there are similarities between the mark of the registrant and that of the

- petitioner. Registrant denies petitioner's allegation that the mark LUV (stylized) will cause consumer confusion.
12. (Paragraph missing in the petition!)
13. Registrant denies the allegation of paragraph 13. Registrant declared in good faith its use to the USPTO in the application. The declaration is accurate. Petitioner failed to file an opposition with the USPTO in a timely manner.
14. Registrant denies the allegation of paragraph 14. Registrant's registration is compliant with USPTO rules and laws.
15. Registrant denies the allegations of paragraph 15 and prays that the demand for cancellation be denied with prejudice.
16. Registrant denies allegation that Mary's Gone Crackers will be damaged by the lawful and timely registration of the mark LUV (Stylized).
17. Registrant denies the allegation of paragraph 17 and affirms that it is entitled to the benefit of its lawful and timely registration of the mark LUV (stylized).

Wherefore Registrant prays that the petition for cancellation be dismissed with prejudice.

Dated: May 6, 2016

Respectfully submitted,

By: 
Hassan Sahouani, PhD, JD
Patent Attorney
Pearlfind Law Office, PLLC
12250, 120th Street South
Hastings, MN 55033
Phone 651 226 8917
Hassan@pearlfindlaw.com

Attorney for Registrant.

Cancellation No: 92063507

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing REGISTRANT's ANSWER TO PETITION FOR CANCELLATION was served on counsel for petitioner, this 6th day of May 2016 by sending the same via priority mail at the address below:

Lauren Refinetti
Jones Day
222, East 41st Street
New York, NY 10017
United States.